

FCC FORM NO. 1
7-89

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 92-87

In the Matter of

Amendment of Section 73.202(b), RM-7963
Table of Allotments,
FM Broadcast Stations.
(Jonesboro, Arkansas)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 24, 1992; Released: August 25, 1992

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 7 FCC Rcd 2410 (1992), issued in response to a petition filed on behalf of TM Jonesboro, Inc. ("petitioner"), licensee of Station KDEZ(FM), Jonesboro, Arkansas, proposing the substitution of Channel 263C2 for Channel 262A¹ and modification of its license to specify operation on the higher powered channel. Petitioner filed comments in support of the proposal. No other comments were received.

2. As established in the *Notice*, Channel 263C2 can be allotted to Jonesboro, Arkansas, at the petitioner's specified site, located 8.1 kilometers (5.0 miles) north of the community,² in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules.³

3. We believe the public interest would be served by substituting Channel 263C2 for Channel 262A at Jonesboro since it would provide an enhanced service to the community. Therefore, in accordance with the provisions of Section 1.420(g) of the Commission's Rules, we are modifying herein the license of Station KDEZ(FM) to specify operation on Channel 263C2 at Jonesboro, Arkansas, as requested.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS

ORDERED, That effective October 8, 1992, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below, as follows:

City	Channel No.
Jonesboro, Arkansas	263C2, 270C, 300C1

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license issued to TM Jonesboro, Inc. for Station KDEZ(FM), IS MODIFIED to specify operation on Channel 263C2 in lieu of Channel 262A, subject to the following conditions:

- Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, TM Jonesboro, Inc., licensee of Station KDEZ(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the upgrade at Jonesboro, Arkansas.

7. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the licensee of Station KOKR(FM) as follows: Newport Broadcasting Company, P.O. Box 989, Blytheville, AR 72316.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

¹ The *Notice* acknowledged that while the petitioner is presently licensed on Channel 261A, it was ordered to relocate to Channel 262A to accommodate the modification of license for Station WASL(FM), Dyersburg, Tennessee, in MM Docket No. 87-563. See 4 FCC Rcd 4814 (1989). A construction permit has been issued to Station KDEZ(FM) on Channel 262A (File No. BPH-9107171C).

² Coordinates used for Channel 263C2 at Jonesboro are 35-54-35 and 90-42-10.

³ The *Notice* stated that the Jonesboro proposal was dependent upon the grant of a license to Station KOKR(FM), Newport, Arkansas, to operate on Channel 244C2. Pursuant to MM Dock-

et No. 87-563, 57 Fed. Reg. 1651, January 15, 1992, the FM Table of Allotments was amended effective February 2, 1992, to reflect Channel 244C2 in lieu of Channel 264A at Newport. Newport Broadcasting Company, the licensee of Station KOKR(FM) has filed an application for Channel 244C2 (File No. BPH-920521MJ). As a result, Station KOKR(FM) is no longer entitled to protection for Channel 264A at Newport. See *Plainview, TX*, 4 FCC Rcd 8788 (1989). Therefore, we believe that public interest considerations justify resolving this proceeding in order to provide an improved FM broadcast service to the residents of Jonesboro. A copy of this *Order* will be served on Station KOKR(FM).

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau